

EXHIBIT D

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1 UNITED STATES DISTRICT COURT

2 DISTRICT OF MASSACHUSETTS

3 No. 1:02-cv-11315-MLW

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7 IN RE SONUS NETWORKS SECURITIES LITIGATION

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12 For Hearing Before:
13 Honorable Mark L. Wolf

14 Motion for Sanctions

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16 United States District Court
17 District of Massachusetts (Boston.)
18 One Courthouse Way
19 Boston, Massachusetts 02210
Monday, June 26, 2006

20 *****

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22 REPORTER: RICHARD H. ROMANOW, RPR
23 Official Court Reporter
24 United States District Court
25 One Courthouse Way, Room 5200, Boston, MA 02210
(617) 737-0370

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P R O C E E D I N G S

(Begins 10:30 a.m.)

THE CLERK: Civil Action 02-11315, In Re Sonus
Networks Securities Litigation. The Court is in
session. You may be seated.

THE COURT: Good morning. Would counsel
please identify themselves for the record.

MR. HANIFY: Good morning, your Honor. John
Hanify for the Bernstein firm and with me is David

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8 not gone. The very thing that you were worried about,
9 our having to go through this all over again, it's back.

10 THE COURT: Where?

11 MR. RUDMAN: In front of you.

12 THE COURT: What?

13 MR. RUDMAN: Yes, sir. Yes, sir. It's called
14 Sircy, among others.

15 (Discussion off the record.)

16 THE COURT: Okay. Go ahead. It's news to
17 me. There's an imperfection in our communications
18 system. Go ahead.

19 MR. RUDMAN: But the point, if I may, your
20 Honor, is that everything you warned about in these
21 transcripts, which I can direct your attention to, has
22 come to pass. We went through this drill entirely
23 gratuitously and the real problem with the
24 gratuitousness is not with Milberg. Here's what
25 happened.

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1 They did a lousy job on that certification. All
2 right? And I pointed out at the time that Bernstein did
3 a --

4 THE COURT: Well, they didn't do a lousy job,
5 they did worse than a lousy job, and the experts don't
6 seem to appreciate this. They had Roberts sign an
7 affidavit saying the attached schedule is accurate when
8 there was no schedule attached.

9 MR. RUDMAN: That's absolutely right.

10 THE COURT: That's not lousy, that's worse
11 than lousy. They aided and abetted perjury, probably.

12 MR. RUDMAN: Fair enough. What they did was
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13 they turned it over to paralegals who didn't know any
14 better.

15 THE COURT: No, they employed paralegals and
16 the attorneys are responsible for these things.
17 Paralegals are not permitted to practice law. I mean,
18 part of the problem I have with not imposing sanctions,
19 if that's where this comes out, is I probably won't take
20 the time to write out a long decision about the dismal
21 conduct, although it is in my published decision denying
22 a motion to intervene and decertifying the class. But,
23 you know, if Mr. Bernstein or Mr. Berg or Mr. -- or if
24 it was you, you know, rely on paralegals and end up with
25 people making materially-false statements, knowingly-

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1 false statements in affidavits, then you're
2 responsible. But you didn't bring Milberg here, we just
3 got Bernstein. Go ahead.

4 MR. RUDMAN: No, we didn't. And if I may,
5 your Honor? That's because one doesn't bring sanctions
6 motions very often and one doesn't do it casually. We
7 forgave the Bernstein firm when we thought they should
8 be forgiven, which is on this interplay between February
9 the 4th and March the 3rd.

10 THE COURT: Since we have all these quotes
11 here today -- and, of course, you're much more literate
12 than me, I'm reminded of Willy Nelson who sang,
13 "Forgiving you is easy, but forgetting seems to take the
14 longest time." Go ahead.

15 MR. RUDMAN: Well, may I answer with the words
16 of another songwriter?

17 THE COURT: Sure.